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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,345	09/25/2001	Tetsuo Nakata	1538.1017	5887
21171	7590	01/24/2008		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER HAIDER, FAWAAD	
			ART UNIT 3627	PAPER NUMBER
			MAIL DATE 01/24/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/961,345

Applicant(s)

NAKATA ET AL.

Examiner

FAWAAD HAIDER

Art Unit

3627

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-16, 18-28, 30-44 and 46-54 is/are pending in the application.
- 4a) Of the above claim(s) 1-11, 13-16, 18-28, 30-44 and 46-54 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Election/Restrictions

1. Newly submitted claim 54 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 54 discloses new limitations such as providing the customer with a reward upon confirmation of a delivery in accordance with the determined delivery parameters.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 54 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim: 1-4, 7-9, 11, 13-16, 18-28, 30-44, and 46-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter "Huxter") in view of U.S. Patent Application No. US 6,085,170 (hereinafter "Tsukuda").

Regarding **claims 1, 18, 34, and 50**, Huxter discloses receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106); receiving a shipment request from a sender of a package (#0183); determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step when said receiver is a member (see page 5, paragraph #116); when said delivery form determined in said determining step involves a movement of said package, generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116).

However, Huxter fails to disclose a family member or lodger receiving the package. Tsukuda discloses a family member or lodger receiving the package (see col.1, lines 27-30). Tsukuda also discloses wherein said determining comprises referring to the schedule information of at least one of the registered family member of said customer member and the registered lodger of said customer member to make one of the registered family member and the registered lodger receive the package delivered to an address of said customer member, when said customer member to receive the package is unavailable for receiving. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Huxter's invention with

Tsukuda's use of a family member or lodger receiving the package in order to "establish a smooth delivery system of the purchased commodities or goods (See col.1, lines 23-25)."

[**claim 2**] Huxter also discloses when said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); [**claim 3**] sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said package (see page 5, paragraph #11); [**claim 4**] receiving a delivery completion notice including receiving status data from said distributor (see page 2, paragraph #17); [**claim 7**] receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); [**claim 8**] there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); [**claim 9**] including information regarding a determined as undeliverable in said sending said sender a deliverable date when said delivery determining step (it is inherent that the e-tailer will be notified when a package is undeliverable); [**claim 11**] said generating step, when said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding, destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255).

[**claim 13**] Huxter further discloses when a delivery request to a non-member is received from a sender of a package, registering information of said non-member included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said provisional member information to said non-member when membership registration is requested from said nonmember (see page 7, paragraph #148); [**claim 14**] wherein in said receiving and registering step, schedule information regarding a form of receiving said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106)) [**claim 15**] wherein said determining step comprises a step of sending a schedule input request to said receiver when said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and [**claim 16**] wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106). Huxter discloses a program, apparatus, and method as set forth in claims 18-28, 30-44, and 46-53, which are similar to previously addressed claims 1-4, 7-9, and 11-16.

4. Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Tsukuda as applied to the claims above, and further in view of U.S. Patent Application No. US 2002/0126813 (hereinafter "Partovi").

The combination of Huxter and Tsukuda disclose all claimed elements as set forth above in paragraphs 3-4, but fail to explicitly disclose the use of giving the customer a reward for correct registration.

Partovi teaches the use of providing a reward for registering (see paragraph [0060]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Tsukuda with a registration reward as taught by Partovi, because rewarding customers increases the likelihood that customers will do events desired by businesses.

5. Claims 51-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huxter in view of Tsukuda as applied to the claims above, and further in view of view of U.S. Patent Application No. US 2002/0072945 (hereinafter "Yang").

Regarding **claims 51-53**, Huxter discloses wherein the receiving and registering schedule information is carried out asynchronously with the determining and is carried out without relationship with a specific shipment request (see page 5, paragraph # 116). Huxter fails to disclose the plurality of days with predetermined period of the schedule information carried out in advance of a shipment request and the receiving and registering schedule information is carried out without relationship with a specific shipment request.

Yang teaches method of package delivery and pickup including schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period (see page 4, paragraphs 0060-0062).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Tsukuda with schedule information related to a plurality of days as taught by Yang because delivering items when the receiver is likely

available to accept the items increases the efficiency of the delivery service, wherein decreasing the expense related to unsuccessful delivery attempts.

Response to Arguments

6. Applicant's arguments filed 10/23/2007 with respect to claims 1-4, 7-9, 11, 13-16, 18-28, 30-44, and 46-50 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fawaad Haider whose telephone number is 571-272-7178. The examiner can normally be reached on Monday-Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Fawaad Haider
Examiner
Art Unit 3627

FIH